

# HOUSE BILL No. 1394

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24.

**Synopsis:** Supervision of probationary drivers. Amends existing supervised driving requirements to receive a learner's permit or an operator's license. Provides that an individual with a disability who satisfies certain requirements is eligible to receive an operator's license. Repeals a superseded provision concerning probationary operator's licenses. Provides that an operator's license issued to an individual who is less than 21 years of age is a probationary license. (Under current law, the age limit for a probationary license is 18 years of age.)

**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1394

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-24-3-2.5, AS AMENDED BY P.L.85-2013,  
2       SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 2.5. (a) Except as provided in section 3 of this  
4       chapter, an individual must satisfy the requirements set forth in one (1)  
5       of the following subdivisions to receive an operator's license:  
6       (1) The individual meets the following conditions:  
7       (A) Is at least sixteen (16) years and ~~one hundred eighty (180)~~  
8       **ninety (90)** days of age.  
9       (B) Has held a valid learner's permit for at least one hundred  
10      eighty (180) days.  
11      (C) Obtains an instructor's certification that the individual has  
12      satisfactorily completed an approved driver education course.  
13      (D) Passes the required examination.  
14      (E) Completes at least fifty (50) hours of supervised driving  
15      practice, of which at least ten (10) hours are nighttime driving,



- 1 with:
- 2 (i) a licensed instructor or a licensed driver, with valid
- 3 driving privileges, who is at least twenty-five (25) years of
- 4 age; or
- 5 (ii) the spouse of the individual who is a licensed driver with
- 6 valid driving privileges and is at least twenty-one (21) years
- 7 of age; **as provided in subsection (b).**
- 8 (2) The individual meets the following conditions:
- 9 (A) Is at least sixteen (16) years and two hundred seventy
- 10 (270) days of age.
- 11 (B) Has held a valid learner's permit for at least one hundred
- 12 eighty (180) days.
- 13 (C) Passes the required examination.
- 14 (D) Completes at least fifty (50) hours of supervised driving
- 15 practice, of which at least ten (10) hours are nighttime driving,
- 16 with:
- 17 (i) a licensed instructor or a licensed driver, with valid
- 18 driving privileges, who is at least twenty-five (25) years of
- 19 age; or
- 20 (ii) the spouse of the individual who is a licensed driver with
- 21 valid driving privileges and is at least twenty-one (21) years
- 22 of age; **as provided in subsection (b).**
- 23 (3) The individual meets the following conditions:
- 24 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 25 days of age but less than eighteen (18) years of age.
- 26 (B) Has previously been a nonresident of Indiana, but, at the
- 27 time of application, qualifies as an Indiana resident.
- 28 (C) Has held a valid driver's license, excluding a learner's
- 29 permit or the equivalent, in the state or a combination of states
- 30 in which the individual formerly resided for at least one
- 31 hundred eighty (180) days.
- 32 (D) Passes the required examinations.
- 33 (4) The individual meets the following conditions:
- 34 (A) Is at least eighteen (18) years of age.
- 35 (B) Has previously been a nonresident of Indiana but, at the
- 36 time of application, qualifies as an Indiana resident.
- 37 (C) Held a valid driver's license, excluding a learner's permit
- 38 or the equivalent, from the state of prior residence.
- 39 (D) Passes the required examinations.
- 40 **(5) The individual meets the following conditions:**
- 41 **(A) Is at least eighteen (18) years of age.**
- 42 **(B) Is a person with a disability.**



1           **(C) Has successfully completed a driver rehabilitation**  
 2           **program recognized by the bureau.**

3           **(D) Passes the required examinations.**

4           (b) An applicant who is required to complete at least fifty (50) hours  
 5 of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D)  
 6 must **do the following:**

7           **(1) If the applicant is less than eighteen (18) years of age,**  
 8           **complete the practice driving with:**

9           **(A) a licensed driver, with valid driving privileges, who is:**

10           **(i) at least twenty-five (25) years of age; and**

11           **(ii) related to the applicant by blood, marriage, or legal**  
 12           **status;**

13           **(B) the spouse of the applicant who is:**

14           **(i) a licensed driver with valid driving privileges; and**

15           **(ii) at least twenty-one (21) years of age; or**

16           **(C) an individual with valid driving privileges who:**

17           **(i) is licensed as a driver education instructor under**  
 18           **IC 9-27-6-8 and is working under the direction of a**

19           **driver training school described in IC 9-27-6-3(a)(2); or**

20           **(ii) is a certified driver rehabilitation specialist employed**  
 21           **through a driver rehabilitation program recognized by**  
 22           **the bureau.**

23           **(2) If the applicant is at least eighteen (18) years of age,**  
 24           **complete the driving practice with:**

25           **(A) a licensed driver, with valid driving privileges, who is**  
 26           **at least twenty-five (25) years of age; or**

27           **(B) the spouse of the applicant who is:**

28           **(i) a licensed driver with valid driving privileges; and**

29           **(ii) at least twenty-one (21) years of age.**

30           **(3) Submit to the commission under IC 9-24-9-2(c) evidence of**  
 31           **the time logged in practice driving.**

32           SECTION 2. IC 9-24-7-4, AS AMENDED BY P.L.85-2013,  
 33           SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34           JULY 1, 2015]: Sec. 4. A learner's permit authorizes the permit holder  
 35           to operate a motor vehicle, except a motorcycle or commercial motor  
 36           vehicle, upon a public highway under the following conditions:

37           (1) While the holder is participating in practice driving in an  
 38           approved driver education course and is accompanied by a  
 39           certified driver education instructor or student teacher in the front  
 40           seat of a motor vehicle equipped with dual controls: ~~an~~  
 41           **individual with valid driving privileges who:**

42           **(A) is licensed as a driver education instructor under**



**IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or**  
**(B) is a certified driver rehabilitation specialist employed through a driver rehabilitation program recognized by the bureau.**

(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age **and related to the applicant by blood, marriage, or legal status;** or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a licensed driver with valid driving privileges **an individual** who is: at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(A) a licensed driver, with valid driving privileges, who is:

(i) at least twenty-five (25) years of age; and

(ii) related to the applicant by blood, marriage, or legal status;

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age; or

(C) an individual with valid driving privileges who:

(i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or

(ii) is a certified driver rehabilitation specialist employed through a driver rehabilitation program recognized by the bureau.

(4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by **an individual** who is:

(A) a licensed driver, with valid driving privileges, who is at least ~~twenty-one (21)~~ **twenty-five (25)** years of age; or

(B) the spouse of the applicant who is:



1 (i) a licensed driver with valid driving privileges; and

2 (ii) at least twenty-one (21) years of age.

3 SECTION 3. IC 9-24-11-3 IS REPEALED [EFFECTIVE JULY 1,  
4 2015]. Sec. 3: (a) This section applies to a probationary operator's  
5 license issued before July 1, 2009:

6 (b) A license issued to an individual less than eighteen (18) years of  
7 age is a probationary license:

8 (c) An individual holds a probationary license subject to the  
9 following conditions:

10 (1) Except as provided in IC 31-37-3, the individual may not  
11 operate a motor vehicle during the curfew hours specified in  
12 IC 31-37-3-2:

13 (2) During the ninety (90) days following the issuance of the  
14 probationary license, the individual may not operate a motor  
15 vehicle in which there are passengers unless another individual:

16 (A) who is at least twenty-one (21) years of age and holds a  
17 valid operator's license issued under this article; or

18 (B) who is the parent, guardian, or stepparent of the individual  
19 holding a probationary license and who is at least twenty-one  
20 (21) years of age;

21 is present in the front seat of the motor vehicle:

22 (3) The individual may operate a motor vehicle only if:

23 (A) a safety belt is properly fastened about the body of the  
24 individual; and

25 (B) a safety belt is properly fastened about the body of each  
26 occupant of the motor vehicle;

27 at all times when the motor vehicle is in motion:

28 (d) An individual who holds a probationary license issued under this  
29 section may receive an operator's license, a chauffeur's license, a public  
30 passenger chauffeur's license, or a commercial driver's license when the  
31 individual is at least eighteen (18) years of age:

32 (e) Except as provided in subsection (f), a probationary license  
33 issued under this section:

34 (1) expires at midnight of the twenty-first birthday of the holder;  
35 and

36 (2) may not be renewed:

37 (f) A probationary license issued under this section to an individual  
38 who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

39 (1) at midnight one (1) year after issuance if there is no expiration  
40 date on the authorization granted to the individual to remain in the  
41 United States; or

42 (2) if there is an expiration date on the authorization granted to



the individual to remain in the United States; the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires;

(B) At midnight of the twenty-first birthday of the holder.

SECTION 4. IC 9-24-11-3.3, AS AMENDED BY P.L.85-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2009.

(b) A license issued to or held by an individual less than ~~eighteen~~ **(+8) twenty-one (21)** years of age is a probationary license. An individual holds a probationary license subject to the following conditions:

(1) Except as provided in subdivision (3), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subdivision (3), after one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) The individual may operate a motor vehicle during the periods described in subdivisions (1) and (2) if the individual operates the motor vehicle while:

(A) participating in, going to, or returning from:

(i) lawful employment;

(ii) a school sanctioned activity; or

(iii) a religious event; or

(B) accompanied by a licensed driver with valid driving privileges who is:

(i) at least twenty-five (25) years of age; or

(ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(4) The individual may not operate a motor vehicle while using a telecommunications device until the individual becomes ~~eighteen~~ **(+8) twenty-one (21)** years of age unless the telecommunications device is being used to make a 911 emergency call.



(5) Except as provided in subdivision (6), during the one hundred eighty (180) days after the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers until the individual becomes ~~eighteen (18)~~ **twenty-one (21)** years of age unless accompanied in the front seat of the motor vehicle by:

- (A) a certified driver education instructor; or
- (B) a licensed driver with valid driving privileges who is:
  - (i) at least twenty-five (25) years of age; or
  - (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(6) The individual may operate a motor vehicle and transport:

- (A) a child or stepchild of the individual;
- (B) a sibling of the individual, including step or half siblings;
- (C) the spouse of the individual; or
- (D) any combination of individuals described in clauses (A) through (C);

without another accompanying individual present in the motor vehicle.

(7) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle are:

- (A) properly restrained by a properly fastened safety belt; or
- (B) if the occupant is a child, restrained in a properly fastened child restraint system according to the manufacturer's instructions under IC 9-19-11;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section **for at least one hundred eighty (180) days** may be eligible to receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in ~~IC 9-24-12-1(e)~~, **IC 9-24-12-1(d)**, a probationary license issued under this section:

- (1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and
- (2) may not be renewed.

**(e) Nothing in this section limits the authority of a court to require an individual who holds a probationary license to attend and complete:**

- (1) a driver safety program under IC 9-30-3-12; or**
- (2) a driver improvement or safety course under IC 9-30-3-16;**





1 **if the individual is otherwise eligible or required to attend the**  
 2 **program or course.**

3 SECTION 5. IC 9-24-12-1, AS AMENDED BY P.L.103-2012,  
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2015]: Sec. 1. (a) Notwithstanding subsection (c) and except  
 6 as provided in subsection (b) and sections 10, 11, and 12 of this  
 7 chapter, the expiration date of an operator's license that is the renewal  
 8 license for a license that contains a 2012 expiration date is as follows:

9 (1) If the license was previously issued or renewed after May 14,  
 10 2007, and before January 1, 2008, the renewal license expires at  
 11 midnight on the birthday of the holder that occurs in 2017.

12 (2) If the license was previously issued or renewed after  
 13 December 31, 2007, and before January 1, 2009, the renewal  
 14 license expires at midnight on the birthday of the holder that  
 15 occurs in 2018.

16 (3) If the license was previously issued or renewed after  
 17 December 31, 2005, and before January 1, 2007, the renewal  
 18 license expires at midnight on the birthday of the holder that  
 19 occurs in 2016.

20 (b) Except as provided in sections 10, 11, and 12 of this chapter, an  
 21 operator's license issued to an applicant who is at least seventy-five  
 22 (75) years of age expires at midnight of the birthday of the holder that  
 23 occurs three (3) years following the date of issuance.

24 (c) Except as provided in subsections (a), (b), ~~(d)~~, and ~~(f)~~ (e) and  
 25 sections 10, 11, and 12 of this chapter, an operator's license issued  
 26 under this article expires at midnight of the birthday of the holder that  
 27 occurs six (6) years following the date of issuance.

28 ~~(d) A probationary operator's license issued under IC 9-24-11-3~~  
 29 ~~expires in accordance with IC 9-24-11-3(e).~~

30 ~~(e)~~ (d) A probationary operator's license issued under  
 31 IC 9-24-11-3.3 to an individual who complies with IC 9-24-9-2.5(5)  
 32 through IC 9-24-9-2.5(9) expires:

33 (1) at midnight one (1) year after issuance if there is no expiration  
 34 date on the authorization granted to the individual to remain in the  
 35 United States; or

36 (2) if there is an expiration date on the authorization granted to  
 37 the individual to remain in the United States, the earlier of the  
 38 following:

39 (A) At midnight of the date the authorization to remain in the  
 40 United States expires.

41 (B) At midnight of the date thirty (30) days after the  
 42 twenty-first birthday of the holder.



1        ~~(f)~~ **(e)** Except as provided in subsection ~~(e)~~; **(d)**, a probationary  
2        operator's license issued under IC 9-24-11-3.3 expires at midnight of  
3        the date thirty (30) days after the twenty-first birthday of the holder.

